



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/502,529
Filing Date: July 26, 2004
Applicant: Hanna et al.
Group Art Unit: 2814
Examiner: Long Pham
Title: ORGANIC SEMICONDUCTOR STRUCTURE,
PROCESS FOR PRODUCING THE SAME, AND
ORGANIC SEMICONDUCTOR DEVICE
Attorney Docket: 1300-000023/NP

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS AND
PETITION FOR EXTENSION OF TIME**

Sir:

In response to the Office Action mailed September 14, 2005, please consider the following.

Applicant hereby petitions under the provisions of 37 C.F.R. § 1.136(a) for an extension of time in which to respond to the outstanding Office Action and includes a fee as set forth in 37 C.F.R. § 1.17(a) with this response for such extension of time.

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The Examiner has required restriction under 35 U.S.C. § 121 to one of the following inventions:

Group I. Claim 9, drawn to a semiconductor process, classified in class 438, subclass 149;

Group II. Claims 1-8 and 10-20¹, drawn to a semiconductor device, classified in class 257, subclass 49.

The Examiner has further required election under 35 U.S.C. § 120 to one of the following species:

Species I. Figure 3; and

Species II. Figure 4.

Applicants respectfully submit that the claims of the two designated groups and species have not acquired a separate status in the art, notwithstanding possible different classifications which may be artificially assigned. Art very relevant to the patentability of the Group I claims might very logically be found in the art class assigned by the Examiner to Group II. Likewise, art very relevant to the patentability of the Group II claims might easily be found in the classification assigned by the Examiner to the Group I claims. Similarly, art very relevant to the patentability of Species I claims as identified by the Examiner might easily be found in a classification used by the Examiner to search for art related to the Species II claims. In short, the classifications cited to support restriction are merely for cataloging purposes and are not conclusive of the propriety of restriction.

¹ Although the restriction requirement states "10-14," Applicants believe that the Examiner intended that the Group II claims include Claims 10-20.

Furthermore, it is submitted that the claims of the two groups and of the two species designated by the Examiner are closely inter-related and in order to preserve unity of invention, all claims should be prosecuted in the same application. In fact, the Group I claim (Claim 9) is dependent upon claims of Group II (i.e., "any one of Claims 1 to 3"). An important advantage in pursuing just one application is that the examination work of the Patent Office would thereby be simplified inasmuch as duplication of searching effort would be eliminated. Thus, restricting the application and requiring the election of species requirements would increase searching effort rather than reduce it. Accordingly, search and examination can be made without serious burden, and, therefore, the Examiner must examine this application on the merits, even if the claims are independent and distinct (MPEP 803).

In view of the foregoing remarks, it is respectfully requested that the Examiner withdraw his requirement for restriction and allow the claims of Group I (Claim 9) to be prosecuted in the same application as the claims of Group II (Claims 1-8 and 10-20). It is further respectfully requested that the Examiner withdraw his election of species requirement and allow the claims of Species I (Claims 11 and 13 (to the extent it depends from Claim 11)) to be prosecuted in the same application as the claims of Species II (Claims 12 and 13 (to the extent it is dependent on Claim 12)). Applicants believe that all claims that do not specifically correspond to one of the species as identified above are generic to both species.

In the event that the Examiner's restriction requirement and election of species requirement are made final, Applicants provisionally elect the claims of Group II and the

claims of Species I for continued prosecution. Consequently, Applicants provisionally elect Claims 1-8, 10, 11, 13 (to the extent it does not depend upon Claim 12), and 14-20, holding the claims of Group I (Claim 9) and the claims of Species II (Claims 12 and 13 (to the extent it depends upon Claim 12)) in abeyance under the provisions of 37 C.F.R. 1.142(b) until final disposition of the elected claims.


CONCLUSION

It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this Response is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 14, 2005

By: _____


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